

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**MDL No. 2804  
Case No. 17-md-2804  
Judge Dan Aaron Polster**

**This document relates to:**

*Track Three Cases*

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**NOTICE OF SERVICE OF DEFENDANTS' MOTION TO EXCLUDE  
THE OPINIONS AND TESTIMONY OF DANIEL C. MALONE**

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Defendants<sup>1</sup> hereby provide notice that on July 23, 2021, they served unredacted copies of the following documents on all Parties, the Court, and Special Master Cohen:

- Defendants' Motion to Exclude the Opinions and Testimony of Daniel C. Malone;
- Memorandum in Support of Defendants' Motion to Exclude the Opinions and Testimony of Daniel C. Malone;
- Declaration of Tara A. Fumerton, along with the corresponding Exhibits 1 & 2;
- [Proposed] Order Granting Defendants' Motion to Exclude the Opinions and Testimony of Daniel C. Malone; and
- Summary Sheet for the Defendants' Motion to Exclude the Opinions and Testimony of Daniel C. Malone (also attached hereto as Exhibit A).

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<sup>1</sup> Defendants are: Walmart Inc. ("Walmart"); CVS Indiana, L.L.C., CVS Rx Services, Inc., CVS Pharmacy, Inc., CVS TN Distribution, L.L.C., and Ohio CVS Stores, L.L.C. (together, "CVS"); Giant Eagle and HBC Service Company (together, "Giant Eagle"); Rite Aid Hdqtrs. Corp., Rite Aid of Ohio, Inc., Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center and Eckerd Corp. d/b/a Rite Aid Liverpool Distribution Center (together, "Rite Aid"); and Walgreens Boots Alliance, Inc., Walgreen Co. and Walgreen Eastern Co., Inc. (together, "Walgreens").

Dated: July 23, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that, this 23rd day of July 2021, I served a copy of the foregoing via the Court's ECF system to all counsel of record.

/s/ John M. Majoras  
John M. Majoras

*Attorney for Walmart Inc.*